

TEACHERS' RETIREMENT BOARD
BENEFITS AND SERVICES COMMITTEE

SUBJECT: CONSENT AGENDA

ITEM NUMBER: 4

ATTACHMENT(S): 3

ACTION: X

DATE OF MEETING: June 4, 1998

INFORMATION:

PRESENTER(S): Ms. Olivo

The Office of Administrative Hearings (OAH) has rendered the following proposed decisions that must be adopted or rejected by the Board:

NAME: EMOGENE DOYEL

HEARING DATE: FEBRUARY 13, 1998

PROPOSED DECISION: Administrative Law Judge, Richard J. Lopez, Los Angeles, concluded by the facts or the law that the failure to make a timely pre-retirement election of an option was not the result of mistake, inadvertence, surprise and/or excusable neglect.

Staff recommends that the Board adopt the proposed decision to deny respondent's request to receive an Option Allowance, since it adequately reflects the issues and evidence presented at the hearing and the determination of the issue is adequately supported within the body of the decision.

NAME: MARILYN T. WROTEN

HEARING DATE: FEBRUARY 24 & 25, 1998

PROPOSED DECISION: Administrative Law Judge, Humberto Flores, Los Angeles, received new information at the administrative hearing that respondent's pain is now chronic and the respondent can only sit without pain for approximately 30 minutes at a time. As a result of respondent's pain, she is able to work, at most, two hours a day with substantial rest in between 30-minute work periods. Cause exists under Education Code section 22.126 that respondent's disabling physical condition prevents her from performing her usual duties for her employer. Further, the evidence established that there is no position in the school district that can accommodate respondent's disability.

Staff recommends that the Board adopt the proposed decision to accept the Request to Reverse the Denial of respondent's Disability Retirement Application since it adequately reflects the issues and evidence presented at the hearing and the determination of the issue is adequately supported within the body of the decision.

PROPOSED
RESOLUTION
OF THE
TEACHERS' RETIREMENT BOARD
BENEFITS AND SERVICES COMMITTEE

Subject: Consent Agenda
Consideration of Proposed Decisions

Resolution No. _____

WHEREAS, the Benefits and Services Committee has been delegated the authority by the Board to act finally on the following proposed decisions; and

WHEREAS the Committee has reviewed the following proposed decisions: Emogene Doyel, Request to Receive an Option Allowance, Denied; and Marilyn Wroten, Request to Reverse Denial of Disability Retirement Application, Accepted; and

WHEREAS, the Committee finds this in conformance with the guidelines adopted by the Board; Therefore be it

RESOLVED, That the proposed decisions listed above are adopted.

Adopted by:
Benefits and Services Committee

On _____

JAMES D. MOSMAN
Chief Executive Officer